

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                            |   |                         |
|----------------------------|---|-------------------------|
| SHARRON HIGGS,             | ) |                         |
|                            | ) |                         |
| Plaintiff,                 | ) |                         |
|                            | ) |                         |
| vs.                        | ) | Case No. 4:04CV1479 RWS |
|                            | ) |                         |
| EMC MORTGAGE CORP. et al., | ) |                         |
|                            | ) |                         |
| Defendants.                | ) |                         |

**MEMORANDUM AND ORDER**

This matter is before me on plaintiff's response to the Order to Show Cause why her case should not be dismissed with prejudice for failing to comply with the settlement agreement. In response, plaintiff claims that she refused to sign the loan documents as ordered on September 1, 2006 because she received a letter from EMC on August 31, 2006 indicating that EMC would not make the changes to the loan documents that were ordered by the Court following the August 28, 2006 hearing. Plaintiff also contends that she has complied with the settlement agreement by procuring homeowner's insurance and making her scheduled mortgage payment for September.

EMC is instructed to respond in writing to plaintiff's allegations by no later than October 20, 2006. Counsel shall include copies of the correspondence referenced by plaintiff in her response, together with a copy of the loan documents

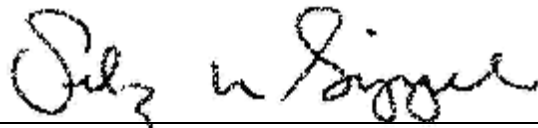
submitted to plaintiff at the courthouse on September 1, 2006. EMC shall also advise the Court whether plaintiff has complied (or attempted to comply) with the terms of the settlement agreement by submitting a mortgage payment for the month of September and procuring homeowner's insurance (if this information is known to EMC).

Finally, I have reviewed all exhibits submitted by plaintiff in support of her response to the Show Cause Order. None are relevant to the issue before me and are being returned to plaintiff by this Order.

Accordingly,

**IT IS HEREBY ORDERED** that EMC shall respond in writing to plaintiff's response to the Show Cause Order as outlined above by no later than October 20, 2006.

**IT IS FURTHER ORDERED** that plaintiff shall return to the Clerk of the Court's office to retrieve the exhibits she submitted in support of her response to the Show Cause Order.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 16th day of October, 2006.